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THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: FRYBERG et al.

Group Art Unit: 1774

Serial No.: 09/040,825

Examiner: M. Yamnitzky

Filed: March 18, 1998

Date: February 22, 2002

For: RECORDING SHEETS FOR INK JET PRINTING

Assistant Commissioner for Patents
Washington, D.C. 20231

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A M E N D M E N T

Sir/Madame:

This Amendment is responsive to the Office Action dated August 22, 2001 in the above-identified application. Applicants submit this response simultaneously (under separate cover) with a Petition under 37 CFR 1.181(a)(1) Requesting Restart of the Office Action due to extraordinary circumstances. A courtesy copy is enclosed for your review.

Authorization is given to charge deposit account 50-1541 the three-month extension fee of \$920 for filing this response. Triplicate copies of this page are enclosed.

R E M A R K S

Reconsideration of the rejection contained in the Office Action of August 22, 2001 is respectfully requested.

Examiner has not permitted Applicant's request for a continued prosecution application (CPA) under 37 CFR 1.53(d)(1). Applicants respectfully disagree.

The application was originally filed on March 18, 1998 claiming priority of EPO application 97104740.2 filed on March 20, 1997. Therefore, the prior application **was a utility application filed under 35 U.S.C. 111(a) before May 29, 2000**. Thus Applicants believe the request for a CPA was proper.

All claims pending in the application, namely 3,4 and 6-13 stand rejected as being indefinite and as being obvious over Kono et al., Kashiwazaki et al. and Smigo et al. Applicants